

  


# ROCK RAPIDS

*our river flowing, our community growing*



2014

# Subdivision Regulations Ordinance



*Prepared with Planning Assistance from  
NorthWest Iowa Planning &  
Development Commission  
Spencer, Iowa*



# CITY OF ROCK RAPIDS

# SUBDIVISION

# REGULATIONS

# ORDINANCE

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REPLACES ORDINANCE NO. 571, ADOPTED JANUARY 13, 1998  
ROCK RAPIDS SUBDIVISION CONTROL ORDINANCE AND AMENDMENTS THERETO

**SUBDIVISION REGULATIONS ORDINANCE FOR THE  
CITY OF ROCK RAPIDS, IOWA**

AN ORDINANCE prescribing minimum requirements for the design and development of new subdivisions and resubdivisions of land in the incorporated city limits of Rock Rapids, Iowa; providing for the enforcement of these regulations; for the repeal of other ordinances or resolutions in conflict herewith; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public in accordance with the comprehensive land use plan of Rock Rapids, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting-Division and Subdivision of Land.

WHEREAS, the Rock Rapids City Council has adopted a zoning ordinance to assist in guiding future development of the city by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, the Rock Rapids City Council deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, private and public water supply, on-site private and public sanitary sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the city.

NOW THEREFORE, BE IT ORDAINED BY THE ROCK RAPIDS CITY COUNCIL; the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

## **ARTICLE I**

### **Basic Provisions**

#### **Article 1: Basic Provisions**

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Platting Required
- Section 1.5. Recording of Plat
- Section 1.6. Auditor's Plat
- Section 1.7. Plats within 2 Miles of the City Limits

#### **Section 1.1. SHORT TITLE.**

This ordinance shall be known and cited as the City of Rock Rapids Subdivision Regulations.

#### **Section 1.2. PURPOSE.**

The purpose of this ordinance is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected, so adequate provisions are made for public services, to insure growth occurs in an orderly manner consistent with the city's comprehensive plan, and to promote the health, safety and general welfare of the City of Rock Rapids.

#### **Section 1.3. JURISDICTION.**

In accordance with the provisions of Chapter 354, Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the City Council of Rock Rapids, Iowa, governing the subdivisions of all lands within the incorporated city limits of Rock Rapids and all lands within a two (2) mile extraterritorial jurisdictional area. It shall be unlawful for any person being the owner, agent or person having control of any land within Rock Rapids and the two mile extraterritorial jurisdiction area to create a subdivision unless by a plat, in accordance with the regulations contained herein.

#### **Section 1.4. PLATTING REQUIRED.**

Every owner of a tract or parcel of land who shall hereafter subdivide or plat land into three (3) or more parts, for the purposes of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the city or within two (2) miles of the corporate limits shall cause plats to be made in form and containing the information hereinafter set out before selling any lots therein contained or placing the plat on record

#### **Section 1.5. RECORDING OF PLAT.**

No subdivision plat, resubdivision plat or street dedication within Rock Rapids, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the County Recorder until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the City Council it shall be the duty of the subdivider to immediately file such plat with the County Auditor and Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Auditor within thirty (30) days. Furthermore, the City of Rock Rapids will require that no

subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of Rock Rapids be filed for records with the Lyon County Recorder until the Rock Rapids Planning and Zoning Commission has had an opportunity to review and comment on such subdivision regarding compliance of this ordinance.

**Section 1.6. AUDITOR’S PLATS.**

With regard to auditor’s plats, as distinguished from subdivider's plats, the City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations provided there is a copy on file of the request of the County Auditor ordering such plat and a letter from said auditor stating the submitted plat meets the requirements for which the plat was ordered.

**Section 1.7. PLATS WITHIN 2 MILES OF THE CITY LIMITS.**

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of Rock Rapids and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the city. In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a subdivider or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within Lyon County that are within two (2) miles of the city. The City Council may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the city prior to or at the same time as filing with the county. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

## ARTICLE II Definitions

### Article II: Definitions

#### Section 2.1. Definitions

#### **Section 2.1. DEFINITIONS.**

For use in this ordinance, the following terms and words are hereby defined as follows. Words used in the present tense shall include the future, the singular shall include the plural and the plural the singular; the word shall is always mandatory, the word may is permissive.

1. *Aliquot part*: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
2. *Alley*: A public right-of-way, other than a street, affording a secondary means of access to abutting properties.
3. *Auditor's plat*: A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
4. *Block*: An area of land within a subdivision entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and the exterior boundaries of the subdivision.
5. *Board*: The Board of Trustees of the electric, sanitary sewer, gas and water utility departments of the City of Rock Rapids, Iowa.
6. *Building Lines (Setback Lines)*: A line on a plat, between which line and the public right-of-way no buildings or structures may be erected or built. Building lines shall be shown on all lots and shall not be less than required by the zoning ordinance.
7. *City*: City of Rock Rapids, Iowa
8. *City Engineer*: Any person, firm or registered professional engineer designated by the City Council to serve in such capacity.
9. *Clerk (or City Clerk)*: The City Clerk of the City of Rock Rapids, Iowa.
10. *Collector Streets*: Those streets that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
11. *Comprehensive Plan*: A master plan prepared by the Planning and Zoning Commission, indicating the recommended general locations of public areas, residences, businesses, industries; provisions for traffic; and general physical development of the city.
12. *Council*: The City Council of the City of Rock Rapids, Iowa.
13. *Cul-de-sac*: A minor dead-end street having one end open to traffic, and the other end terminated by a vehicular turnaround.
14. *Develop*: To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.

15. *Developer*: Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
16. *Easement*: A grant of the right to use a strip of land across public or private land for specific purposes by the general public, a corporation or certain persons of which the owner shall not erect any permanent structures on such easement but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee.
17. *Engineer*: A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
18. *Half Street*: A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
19. *Highway*: A major street that carries a large volume of traffic (state/federal routes).
20. *Improvements*: Pavements, curbs, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items benefitting the welfare of the property owners and the public.
21. *Land Surveyor*: Any person who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.
22. *Lot*: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership, improvement or for building development.
23. *Major Subdivision*: All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
24. *Major Street (or Thoroughfare)*: A street of considerable continuity connecting various sections of a city designated as a major street on the official street plan of the city.
25. *Metes and Bounds Description*: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
26. *Minor Street*: A street used primarily for access to abutting properties.
27. *Minor Subdivision*: Any subdivision fronting an existing road, not involving any new road or street or the extension of utilities, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this ordinance.
28. *Official Plat*: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the city and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
29. *Outlot*: A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot is an unbuildable lot. Typically a subdivider may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future



dedication of a detention basin to the city or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.

30. *Owner*: The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to act on its behalf.
31. *Parcel*: A part or tract of land.
32. *Performance Bond*: A surety bond or cash deposit made out to the City of Rock Rapids in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
33. *Planning and Zoning Commission*: The Rock Rapids, Iowa Planning and Zoning Commission.
34. *Plat*: A map, drawing or chart on which the subdivider's plan of subdivision is presented to the Commission and Council for approval; and which in its final form, will be submitted to the County Recorder in such part as may be necessary for filing.
35. *Resubdivision*: Any subdivision previously included in a recorded plat. In appropriate context, the term may be used in referring to the act of preparing a plat of previously subdivided land.
36. *Right-of-Way*: The area measured between property lines, dedicated to and accepted for public use, and providing access to abutting properties.
37. *Roadway*: That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
38. *Street*: Public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
39. *Subdivider*: A person, firm or corporation undertaking the subdivision or resubdivisions of a tract or parcel of land.
40. *Subdivision*: A division of any lot, tract, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose of either immediate or future sale, transfer or ownership or building development. The term shall relate to the process of subdividing or to the land subdivided; or the subdivision of land hereto divided or platted into lots, or any division of land if a new street is involved.
41. *Superintendent of Public Works*: The City Administrator, Utility Manager, City Engineer, or any other official(s) designated by the Council or Board responsible for any part of the public works of the City.
42. *Tract* – An aliquot part of a section, a lot within an official plat, or a government lot.
43. *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

## **ARTICLE III**

### **Minor Subdivision Procedures and Requirements**

Article III: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a major subdivision (preliminary and final plats), a land owner, developer or subdivider may utilize a minor subdivision as defined in Article II.

#### **Section 3.1. MINOR PLAT REQUIREMENTS.**

The subdivider shall prepare the proposed minor subdivision plat and shall furnish to the County Auditor all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. No minor plat shall be considered or acted upon by the City Council without affording a public hearing as published in the local newspaper according to state statute. Furthermore, the City shall notify property owners by ordinary mail within 500 feet of the proposed subdivision of the time and place of the subdivision public hearing. The minor plat shall contain such information as required by this ordinance, specifically the requirements in Section 5.2 and Section 5.3; or as may be specified by Iowa Code or the Rock Rapids City Clerk.

#### **Section 3.2. REVIEW BY AGENCIES.**

The City Clerk shall place the minor plat on the Council agenda and thereafter forward copies of the submitted plat to the Mayor and councilpersons, Superintendent of Public Works, Zoning Administrator, City Attorney and other agencies or persons as may be deemed appropriate. Within 30 days thereafter, the Superintendent of Public Works shall notify the City Clerk that access onto a public street or highway can or cannot be provided and that other required improvements are or are not present. The Superintendent of Public Works shall further notify the City Clerk the land to be subdivided complies with all applicable city, county and state standards and the existing public improvements complies with applicable standards.

#### **Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.**

1. Within thirty (30) days following the receipt of an application, or additional time period as the subdivider may authorize, the City Council shall hold a public hearing on the subdivision request. The Council shall act upon the minor plat no more than sixty (60) days after receipt by the City Clerk.
2. The City Council may approve or disapprove of the subdivision request, or refer the request to the Planning and Zoning Commission for review prior to considering the minor plat. If approved, the minor plat shall be certified by resolution. In the event a minor subdivision plat is not approved, the Council shall state in writing how the proposed plat is objectionable.
3. Passage of a resolution accepting the plat shall constitute final approval. The subdivider shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the City shall recognize the plat as being in full force and effect. The subdivider shall record the plat within sixty (60) days after the Council's approval, and is responsible for all recording costs. Additionally, one (1) copy of the approved minor plat, adopting resolution, and any restrictive covenants shall be submitted to the City Clerk by the subdivider.

## ARTICLE IV

### Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data

- Section 4.1. Pre-application Meeting with Planning and Zoning Commission
- Section 4.2. Preliminary Plat Procedures
- Section 4.3. Requirements of Preliminary Plat

**Section 4.1. PRE-APPLICATION MEETING WITH PLANNING AND ZONING COMMISSION.**

Early in the planning stage, the subdivider shall be responsible for contacting the City Clerk and Planning and Zoning Commission for the purpose of presenting in general terms a proposed subdivision. No formal approval is required at this point as the purpose of the initial contact is to merely provide general information to the Planning and Zoning Commission. In obtaining approval of the proposed subdivision by the Commission and City Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereafter set forth.

**Section 4.2. PRELIMINARY PLAT PROCEDURES.**

In obtaining preliminary approval of a proposed subdivision by the City Council, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. Whenever an owner of land or subdivider within the city limits wishes to make a subdivision of same, said owner or subdivider shall cause to be prepared a preliminary plat of said subdivision and submit 22 copies to the City for preliminary study and approval. The City Clerk shall forthwith refer seven (7) copies of the preliminary plat to the Mayor and City Council, seven (7) copies to the Planning and Zoning Commission, five (5) copies to the Board of Adjustment, one (1) copy to the City Attorney, one (1) copy to the City Engineer and one (1) copy to the Superintendent of Public Works. The preliminary plat shall contain such information and data as outlined in Section 4.3.
2. The Superintendent of Public Works shall examine said preliminary plat as to its compliance with the laws and regulations of the City of Rock Rapids, Iowa, the existing street system, and sound engineering practices; and shall within thirty (30) days of the date of application submit its findings to the Planning and Zoning Commission.
3. The City Engineer shall examine said preliminary plat as to its compliance with the laws and regulations of the City, the existing street system, and sound engineering practices; and shall within thirty (30) days of the date of application submit its findings to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall consider such reports and make its recommendation within thirty (30) days of receiving such public works or engineering reports. Furthermore, the Planning and Zoning Commission may negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, and pass the preliminary plat as originally submitted or modified.
5. No preliminary plat shall be approved by the Planning and Zoning Commission until and unless a public hearing notice is posted no less than four (4) and no more than twenty (20) days prior to the scheduled public hearing. Such public hearing notice shall be given by publication in a newspaper of general circulation in the city. Furthermore, the City shall

notify all property owners within five hundred feet (500') of any part of the proposed plat and any other owners or individuals deemed affected by said plat.

6. The Planning and Zoning Commission shall set forth its recommendations in writing, whether approval, modification or disapproval. In the event that substantial changes or modifications are made by the Commission or disapproval of the plat, the Commission shall provide its reasons and request the revised preliminary plat to be resubmitted in the same manner as the original plat. If approved, the Planning and Zoning Commission shall express its approval as conditional approval and state the conditions of such approval, if any.
7. The recommendation of the Planning and Zoning Commission shall be noted on seven (7) copies of the preliminary plat, attached to any conditions, and forwarded to the City Council. Within thirty (30) days after recommendation of the Planning and Zoning Commission and following its review of the preliminary plat the City Council shall approve, disapprove or modify the recommendations of the Commission and impose any requirements or grant variances in conformance with this ordinance deemed necessary and appropriate for final approval. The decision of the City Council together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other copies retained by the city.
8. Upon approval of the preliminary plat by the Planning and Zoning Commission and City Council, the subdivider may proceed with preparation of the final plat and construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Planning and Zoning Commission within one (1) year after the date of preliminary approval.
9. A conditional approval of the preliminary plat by the Planning and Zoning Commission and City Council is revocable and does not constitute final acceptance of the subdivision by the City, but is merely an authorization to proceed with preparation of the final plat.

#### **Section 4.3. REQUIREMENTS OF PRELIMINARY PLAT.**

The preliminary plat is not intended to serve as a record plat. The subdivision shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following information:

1. **GENERAL.** Twenty-two (22) copies of the preliminary plat shall be submitted. The plat shall include a title, scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be not less than one hundred feet (100') to one inch (1") (100'=1"). A scale of other than 100'=1" may be used if prior approval is obtained from the Planning and Zoning Commission. The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"). Where more than one sheet is required, the sheets shall show the sheet numbers and match lines indicating where sheets adjoin.
2. **NAME.** Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names within Rock Rapids or Lyon County.
3. **OWNER.** Name and address of recorded owner, subdivider and/or developer and the name and address of the engineer, surveyor or architect preparing the plan;
4. **KEY MAP.** A vicinity sketch or key map showing existing subdivisions, streets and tract lines of acreage parcels, together with recorded names of owners of parcels of land within

five hundred feet (500') of the outer boundaries of the proposed subdivision. It shall also show how streets in the proposed subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.

5. ACRES. Acreage of the land to be subdivided.
6. CONTOUR. Existing contours with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five feet (5'). The contours shall be on the city elevation datum.
7. BOUNDARIES. Subdivision boundary lines showing dimensions, bearings, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
8. STREETS. Present and proposed streets, roads, highways, alleys and sidewalks, with their right-of-ways in and adjacent to the area being subdivided. Additionally, the dedicated widths, approximate gradients, types and widths of surfaces, curbs, planting strips and location of street lights.
9. LOTS. Proposed layout of lots showing the lot numbers, dimensions, building setback lines, radii chords and the square foot area of irregular shaped lots.
10. PUBLIC USE. Parcels of land to be dedicated or reserved for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, proposed by the subdivider for public or private use or shown for such purpose in the comprehensive plan.
11. EASEMENTS. Present and proposed easements, showing locations, widths, purposes and distances.
12. UTILITIES. Present and/or proposed utility systems or services, including sanitary sewers, storm sewers, other draining facilities, water lines, gas mains, electric utilities, street lighting and other facilities indicating the size, capacity, invert elevation and location of each.
13. ZONING. Existing and proposed zoning of the proposed subdivision and adjoining property.
14. COVENANTS. A general summary description of any protective covenants or private deed restrictions to be incorporated in the final plat.
15. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning and Zoning Commission or City Council.
16. FEE. The platting fee, as required by this ordinance and as established by resolution of the City Council.

## ARTICLE V

### Final Plat Procedures and Data

Article V: Final Plat Procedures and Data

- Section 5.1. Final Plat Procedures
- Section 5.2. Requirements of Final Plat
- Section 5.3. Final Plat Attachments

#### **Section 5.1. FINAL PLAT PROCEDURES.**

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. Provided, however, such portion conforms to all requirements of these regulations. In obtaining final approval of a proposed subdivision by the City Council, the subdivider shall submit a final plat in accordance with the following:

1. The subdivider shall, within one (1) year of the conditional approval of the preliminary plat, prepare and submit 22 copies of the final plat and other required documents with the City Clerk. The subdivider's failure to do so within the time specified results in the conditional approval of the preliminary plat to be null and void. Upon receipt of the final plat and other required documents, the City Clerk shall transmit seven (7) copies to the Planning and Zoning Commission, seven (7) copies to City Council, five (5) copies to the Board of Adjustment, one (1) copy to the City Engineer, one (1) copy to the Superintendent of Public Works, and one (1) copy to the City Attorney.
2. The Planning and Zoning Commission shall study and consider the final plat. Within thirty (30) days of receiving the final plat the Commission shall submit its recommendation to the City Council. Said recommendation shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendation shall be advisory in nature only. If the Planning and Zoning Commission approves the final plat, such approval and the date thereof shall be noted on the final plat.
3. After approval by the Planning and Zoning Commission, the final plat shall be submitted to the City Council for approval, with or without added provisions. If the Commission does not approve the final plat, the City Council may approve said plat only by a three-fourths ( $\frac{3}{4}$ ) vote of the entire City Council. A written explanation of reasons for adverse recommendation must accompany the Planning and Zoning Commission's report to the Council.
4. Upon receipt of the recommendation by the Planning and Zoning Commission, the City Council shall, within thirty (30) days, either approve or disapprove the final plat. In the event the final plat is disapproved by the City Council, such disapproval shall be expressed in writing and shall point out why the submitted final plat is objectionable. In the event the said final plat is found to be acceptable and in accordance with this ordinance, the City Council shall approve and accept the same.
5. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the final plat. However, the subdivider shall cause such final plat to be recorded in the office of the Lyon County Recorder, as provided in Chapter 354, Code of Iowa and amendatory acts thereto. The subdivider shall file satisfactory evidence of such recording in the office of the City Clerk. Where it can be shown that there are extraordinary hardships in

the way of compliance with this ordinance, the Planning and Zoning Commission may recommend a variance in the public's interest and in conformance with the comprehensive plan.

6. The City of Rock Rapids shall recognize the final plat as being in full force and effect. Final acceptance for recording purposes shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after construction is completed and upon inspection by the Superintendent of Public Works or the City Engineer.

#### **Section 5.2. REQUIREMENTS OF FINAL PLAT.**

The final plat shall conform substantially to the preliminary as approved, and may include all or a portion of the preliminary plat. The final plat shall show the following:

1. The final plat shall be made from an accurate survey by a registered engineer or land surveyor and clearly and legibly drawn to a scale of not less than one hundred feet (100') to one inch (1") and placed on a drawing the dimensions of which will be eighteen inches by twenty-four inches (18" x 24"). A scale other than 100' = 1" may be used if prior approval is obtained from the Planning and Zoning Commission and County Recorder.
2. Name and title under which the subdivision is to be recorded. A correct legal description of property subdivided, showing its location and extent, points of compass, scale of plan, classification or property under the zoning ordinance; and name of owner, subdivider; and landscape architect, land surveyor or engineer making the final plat.
3. A certification on the accuracy of the plat by the professional engineer or land surveyor who prepared the final plat. Accurate boundary lines of the property, with dimensions and angles that provide a survey of the tract, closing with error of not more than one foot (1') in ten thousand feet (10,000') on the boundary, and one foot (1') in five thousand feet (5,000') for any individual lot. Distances shall be measured to the nearest one hundredth foot.
4. Locations, type, materials and size of all monuments and markers including all U.S., State of Iowa, Lyon County or other official bench marks.
5. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name, and if new names are needed they should be distinctive. Street names may be required to conform to the city's street plan or comprehensive plan.
6. Accurate metes and bounds description of the boundaries of the property; lines of all streets and alleys, with their widths and any other areas intended for public use. These should be exact and complete to include all distances, radii, arc, chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
7. Street names and street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
8. Plan and profiles of all streets, alleys, sanitary sewers, storm sewers, and water lines. Profiles, typical cross sections, and specifications of street improvements and utility systems shall show the location, size, and grade of all conduits, sanitary and storm sewers, pipelines, etc. to be placed under the streets and alleys. These shall be drawn to a legible scale of not less than one hundred feet (100') horizontally and ten feet (10') vertically with west or south at the left side of the drawing.

9. Lot numbers and dimensions.
10. Accurate locations, descriptions and dimensions of easements.
11. Accurate dimensions for all property to be dedicated or reserved for public or community use.
12. Parcels not part of the plat shall be identified.

**Section 5.3. FINAL PLAT ATTACHMENTS.**

The final plat shall have the following attached to it:

1. **OWNER’S CERTIFICATION.** A statement by the owner and spouse, if any, that the subdivision plat is prepared with their free consent and in accordance with their desire. The statement must be signed and acknowledged by the owner and spouse, if any, before an officer authorized to take the acknowledgments of deeds. The statement by the owner may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the City Council.
2. **BOND.** An affidavit and encumbrance bond, if any, as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
3. **ABSTRACT OF TITLE.** A complete abstract of title and an attorney’s opinion showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
4. **CERTIFICATE OF DEDICATION.** A certificate of dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use.
5. **COUNTY TREASURER CERTIFICATE.** A certificate of the County Treasurer showing that all subdivision land is free from taxes and free from certified special assessments; or the land is free from taxes and the certified special assessments are secured by bond in compliance with Section 354.12, Code of Iowa.
6. **COUNTY RECORDER CERTIFICATE.** A certificate from the County Recorder showing the title in fee is in the owner’s name and it is free from encumbrances other than those secured by an encumbrance bond.
7. **CITY COUCIL APPROVAL.** A resolution of approval by the City Council with signatures of the Mayor and City Clerk.
8. **SATISFACTORY IMPROVEMENTS.** A certificate by the Superintendent of Public Works or similar official that all improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and files with the City Clerk, or the City Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
9. **COVENANTS OR DEED RESTRICTIONS.** Any protective covenants or deed restrictions to be imposed upon the plat shall be submitted for review.



## ARTICLE VI

### Design Standards

#### Article VI: Design Standards

- Section 6.1. General Requirements
- Section 6.2. Acreage Subdivision
- Section 6.3. Streets
- Section 6.4. Alleys
- Section 6.5. Railroads
- Section 6.6. Blocks
- Section 6.7. Lots
- Section 6.8. Easements
- Section 6.9. Plat Markers and Monuments

#### **Section 6.1. GENERAL REQUIREMENTS.**

The following design standards shall be followed by all subdividers and developers in subdividing or resubdividing land, except those plats referred to in Section 1.6, Auditor's Plats. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. No subdivision plat shall be approved by the Planning and Zoning Commission unless it conforms to the following minimum standards and requirements.

#### **Section 6.2. ACREAGE SUBDIVISION.**

Lots more than one (1) acre in size shall be so arranged that provision may be made for their future subdivision into smaller lots. Where the submitted plat only covers a part of subdivider's plat, a sketch of the prospective future system, of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in light of adjustments in connection with the street system of the part not submitted. Where the parcel is subdivided into larger tracts that for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

#### **Section 6.3. STREETS.**

1. Land Use. The arrangement, character, extent, width, grade, location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All proposed plats and subdivisions shall conform to the city's comprehensive land use plan. All proposed plats and subdivisions shall also conform to additional proposed street plans of the city.
2. Frontage or Access Streets. Where the proposed subdivision abuts or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special considerations, the Planning and Zoning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment as may be necessary for adequate protection of residential properties and separation of through and local traffic.
3. Cul-De-Sacs (Or Dead-End Streets). Cul-de-sacs are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred feet (500') and shall terminate with a circular right-of-way having a diameter of at least one hundred feet

(100'). A turnaround diameter more than one hundred feet (100') may be required by the Planning and Zoning Commission for commercial or industrial subdivisions if deemed necessary. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty feet (50'). The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty feet (20').

4. Street Names. Proposed streets that are in alignment with other already existing, or a street that may be logically extended although the various portions may be a distance from each other shall bear the names of such existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.
5. Half Streets. The platting of half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it practicable to require the dedication of the other half when the adjoining property is subdivided.
6. Neighborhood Plan. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to the plat for the neighborhood approved by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical.
7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would tend to lend themselves to attractive treatment.
8. Street Offsets. Street centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
9. Private Streets. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
10. Dedication of Streets. A dedication to the city shall be given for all streets before the same will be accepted for maintenance.
11. Minor Street. Minor Streets shall be so planned as to discourage through traffic.
12. Street Right-of-Way. Minimum street right-of-way widths shall be provided in accordance with the recommended standards outlined in the Iowa SUDAS Manual (Statewide Urban Design and Specifications).
13. Street Grades. Streets and alleys shall be completed to grades that have been officially determined or approved by the Superintendent of Public Works or City Engineer. Street grades, wherever feasible, shall not exceed ten percent (10%), with due allowance for reasonable vertical curves. No street grade shall be less than four-tenths of one percent (0.4%). All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage.
14. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. No intersection shall be less than sixty (60) degrees. When practical, acute angles between streets at intersections are to be avoided. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a

curve with a radius adequate to insure a sight distance of not less than two hundred feet (200') for minor and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases. Property lines and street intersections shall be rounded with a radius where deemed necessary. The Planning and Zoning Commission may also permit comparable cutoffs or chords in place of rounded corners.

**Section 6.4. ALLEYS.**

Alleys may be required in commercial and industrial districts, except the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys shall be no less than twenty feet (20') wide. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with a means of turning around at the dead-end thereof.

**Section 6.5. RAILROADS.**

When a subdivision borders or contains a railroad right-of-way, the Planning and Zoning Commission may require a street be dedicated approximately parallel to the railroad at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation. Additionally, cul-de-sacs at right angles to the railroad may be an alternative so as to permit buildable lots to back thereunto

**Section 6.6. BLOCKS.**

No block shall be longer than one thousand three hundred twenty feet (1,320') or less than four hundred feet (400') in length between the center lines of intersecting streets, except as the Planning and Zoning Commission, in their opinion, deems extraordinary conditions unquestionably justify a departure from these minimum limits.

**Section 6.7. LOTS.**

Generally, the lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and uses contemplated.

1. Relationship to Streets. Each lot shall be provided by satisfactory access to an existing public street or acceptable private drive with satisfactory access to a public street. Lots on major street intersection shall have a minimum radius of twenty feet (20') at the street corner.
2. Lots Not Served by Utilities. Residential lots not service by public sanitary sewer shall not be less than one hundred fifty feet (150') wide, or no less than one (1) acre in size.
3. Commercial Lots. Depth and width of properties reserved or platted for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.
4. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.
5. Building Lines. Building lines (or setback lines) shall conform to the Rock Rapids zoning ordinance and be shown on all lots within the platted subdivision.

6. Corner lots. Corner lots shall be of sufficient width as to permit required building setbacks on both front and side streets as required by the zoning ordinance.
7. Double Frontage Lots. Double frontage, reverse frontage or through lots, shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') shall be provided along the line of lots abutting such traffic arterial or other disadvantageous use.
8. Lot Lines. Side lot side lines shall be substantially at right angles to straight street lines, or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

#### **Section 6.8. EASEMENTS.**

Easements shall be at least twenty feet (20') wide, except where a lesser width is deemed adequate by the Superintendent of Public Works and approved by the Planning and Zoning Commission. Where necessary or advisable in the opinion of the City Council similar easements shall be provided along such other lot lines as may be required by public and private utility companies. Easements of greater width may be required for trunk lines, pressure lines, or high voltage lines and shall be provided as determined by a utility or the City Council. Where a subdivision is transversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and further width for construction, or both, as will be adequate for the purpose. If the City Council deems it necessary for proper drainage within or through a subdivision, it shall require a storm water easement or drainage right-of-way be provided. Utility easements shall convey to the utility provider, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, operate and maintain buried electric lines consisting of wires, cables, fiber optic lines, conduits and fixtures.

#### **Section 6.9. PLAT MARKERS AND MONUMENTS.**

Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points as shall be required by the Superintendent of Public Works. The markers shall be of steel, brass, copper or concrete at least twenty-four inches (24") long, five-eighths (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code. Wood markers are not acceptable. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat. Developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers.

## ARTICLE VII IMPROVEMENTS REQUIRED

### Article VII: Improvements Required

- Section 7.1. Resubdivisions
- Section 7.2. Suitability of the Land
- Section 7.3. Installation of Improvements
- Section 7.4. Specifications
- Section 7.5. Guarantees
- Section 7.6. Completion and Acceptance

#### **Section 7.1. RESUBDIVISIONS.**

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required; and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

#### **Section 7.2. SUITABILITY OF THE LAND FOR SUBDIVISION.**

If the city finds land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards the City Council may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems created by the subdivision and development of the land. Furthermore, the Planning and Zoning Commission may refuse to approve scattered or premature subdivision of land that would otherwise involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or necessitate an excessive expenditure of public funds for the supply of such services.

#### **Section 7.3. INSTALLATION OF IMPROVEMENTS.**

The subdivider shall install and construct all improvements required in this section, unless specifically stated otherwise within said sections. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision or inspection of the Superintendent of Public Works and to the satisfaction of the City Council.

1. Streets, Street Lights, and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendation of the Superintendent of Public Works, said grading to be the responsibility of the subdivider. The City shall assume the cost associated with preparing and adopting a grade ordinance for the dedicated streets. Street lights shall be installed as recommended by the Superintendent of Public Works and approved by the City, in accordance with the Utilities Board of Trustees standards, procedures and supervision.
2. Curb and Gutter. Portland cement concrete curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City Council after receiving the report and recommendations of the Superintendent of Public Works.
3. Roadway Surfacing. All roadways shall be built according to the standards and specifications of the City Engineer, but in no case shall consist of less than six inches (6") of Portland

cement concrete or with asphalt concrete over a prepared stone base as the Planning and Zoning Commission and City Council may require. Portland cement concrete curb and gutter shall be installed prior to the installation of any asphalt surface required by this section. Portland cement concrete curb shall be installed integrally with Portland cement concrete pavement. All costs associated with surfacing shall be paid for by the subdivider or assessed to the property owner at a later date, as determined by agreement with the City Council.

4. Street Signs. The subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.
5. Sidewalks. Sidewalks are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed at the subdivider's expense to the grade approved by the City Council after receiving the report and recommendations of the Superintendent of Public Works. Sidewalks must be in place prior to occupancy of building. The City Council shall designate which lots are to have sidewalks abutting them, if any, and shall require that said sidewalks be constructed in accordance with the applicable provisions of Title VIII, Chapter 2 of the Rock Rapids Code of Ordinances, prior to the occupancy of any dwelling, building or structure placed on any lot so designated. The protective covenants to be incorporated in the final plat shall indicate those lots that will require sidewalk improvements at a later date and shall set forth who is responsible for paying the costs of installation.
6. Sanitary Sewers. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system and is required to make the sewer accessible to each lot in the subdivision. Sanitary sewer service shall be required to be stubbed into each lot. Sewer systems shall be approved by the City Council and the Iowa State Agency responsible for issuing construction permits and the construction shall be subject to the supervision of the Superintendent of Public Works. The city will assume the cost of installing, if necessary, lift stations and associated force main. Where sanitary sewers are not available, other facilities, as approved by the City Council and the appropriate Iowa State Agency as set forth in the Iowa Administrative Code and any amendment thereto, must be provided for the adequate disposal of sanitary waste. A permit from the Local Board of Health will be required. As part of the preliminary and final plat requirements, a report prepared by a professional engineer shall be submitted detailing the plans for the disposal of waste water for all developments. The report shall contain authoritative soil percolation tests and a statement as to whether or not the percolation rates are within the limits set forth in the Iowa Administrative Code adopted and made part of this ordinance by reference above. The soil condition limitations or proximity to a ditch, stream, pond, lake, natural or artificial water way, country drain tile, surface water drain tile, or groundwater may result in additional requirements imposed by the City Council. In no case will any underground waste disposal system be allowed in a floodplain. The City Council may require waste treatment facilities in instances where ten (10) or more lots are located in a concentrated area. The treatment facilities would be subject to the design standards and construction permit requirements of the Iowa State Agency responsible for issuing such permits.
7. Water Supply. The Subdivider shall connect with the public water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the Board of Trustees standards, procedures and supervision. All costs necessary to extend the water main to the subdivision boundary will be borne by the subdivider. The subdivider shall

assume the costs of all water main extensions up to and including an eight inch (8") water main within the boundary of the subdivision, including fire hydrants and associated valves. In the event the Board of Trustees shall require a water main in excess of eight inches (8") in size, the additional costs associated with the increase in size shall be paid for by the Board. The subdivider shall assume all the initial costs of providing service pipe and appurtenances to the property line of each lot in the subdivision. Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate water supply approved by the City Council, Utility Board of Trustees and county environmental health officer.

8. Storm Water Drainage. Adequate provision shall be made for the disposal of storm waters, including storm sewers or open drainage ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water and to maintain any natural drainage course. Storm water drainage cannot exceed pre-development flow rates and no storm water generated from within the development shall be displaced onto a neighboring property owner. No water course shall be altered so as to divert surface drainage from one watershed to another. Storm water generated within a subdivision shall be contained within the subdivision unless specifically directed to a drainage way or other natural water course. Storm sewers are to be located, to the greatest extent possible, within that portion of the right-of-way outside of the paved or surfaced roadway. Storm water drainage and/or storm sewers are subject to the approval of the City Council and under supervision of the Superintendent of Public Works, with all costs relating to pipe, intakes and junction boxes [except as provided for in Section 7.3(11)] paid for by the City, and all other costs relating thereto paid for by the Subdivider.
9. Gas Distribution Facilities. Main extensions and installation of gas service lines, including meters, to newly platted subdivisions may require a contribution in aid of construction or advance of construction costs from the owner or developer in an amount determined by the Utilities Board of Trustees. In making the determination, consideration shall be given to estimated construction costs, estimated revenue, and estimated time between construction and customer attachment.
10. Electrical Distribution Facilities. Extension to newly platted subdivisions may require a contribution in aid of construction or advance of construction costs from the owner or developer in an amount determined by the Utilities Board of Trustees. In making the determination, consideration shall be given to estimated construction costs, estimated revenue, and estimated time between construction and customer attachment.
11. Sump Pump Drain Tile. All new subdivided lots shall be developed with a sump pump drain tile directed to a storm water drainage system. No sump pump drain tile shall be permitted to drain to or directed to the city's sanitary sewer system. The subdivider shall assume all the costs of providing the sump pump drain tile within the subdivision.
12. Other Improvements. The City Council reserves the right to require other improvements upon review of the final plat.

All of the above improvements shall be made in accordance with good engineering practices and the accepted practices, regulations and ordinances of the City, and shall have the written

approval of the Superintendent of Public Works, Fire Chief or any public officer under whose department the installation may be affected. Sanitary sewers or septic tanks shall be approved by the county environmental health officer and the Iowa Department of Natural Resources. All of the above shall be approved on final plat before improvements are made.

**Section 7.4. SPECIFICATIONS.**

The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

**Section 7.5. GUARANTEES.**

The completion requirement during final platting, herein provided, may be waived in whole or in part if the subdivider will post a performance bond or cash bond with the city guaranteeing all improvements not completed will be constructed within one (1) year, or a longer period of time if approved by the City Council. Improvements will be accepted only after their construction has been completed, and no public funds will be expended for maintenance and operation in the subdivision until such improvements have been completed and accepted by the city. The bond shall equal the City Engineer's approved estimate of construction costs and is to be furnished by a reputable bonding company maintaining an office in the State of Iowa, and shall indemnify Rock Rapids from any and all costs or losses of the development and construction.

**Section 7.6. COMPLETION AND ACCEPTANCE.**

Upon completion of all improvements required by this ordinance, and before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the Superintendent of Public Works shall report that said improvements meet all city specifications and ordinances or other city requirements, and any agreements between the subdivider and the city. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the city or by the posting of a maintenance bond in the amount of five percent (5%) of the estimated cost of the improvements.

The City Council may approve the final plat of a subdivision located within two (2) miles from the corporate limits without all of the foregoing improvements being constructed. Provided, however, an agreement acceptable to the City Council is submitted by the subdivider indicating that if and when said subdivision or any part thereof is proposed for annexation to the City of Rock Rapids, Iowa, it will be necessary for the owners of said property to negotiate the improvements to be constructed prior to any approval for annexation by the City Council. Said agreement to constitute a covenant running with the land.



## **ARTICLE VIII**

### **PUBLIC SPACE DEDICATIONS**

Article VIII: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Regulations

#### **Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.**

In a new subdivision, where any planned or proposed public use, public parks, or public recreation areas are shown on an official map or on the comprehensive plan map and located in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such public open space within the proposed subdivision.

#### **Section 8.2. OTHER PUBLIC SPACE REGULATIONS.**

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site that is undesirable for such public or civic uses.
2. If the comprehensive plan indicates a public open space within the proposed subdivision, the subdivider shall reserve the area for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by an independent appraiser. After such time, the subdivider may replat such property for the subdivider's own purposes.
3. Natural features, historic sites, and similar city assets shall be preserved in parks and open spaces within the subdivision.

## **ARTICLE IX**

### **ADMINISTRATION, ENFORCEMENT & AMENDMENT**

Article IX: Administration, Enforcement & Amendment

- Section 9.1. Fees Established
- Section 9.2. Variances
- Section 9.3. Enforcement and Penalties
- Section 9.4. Changes and Amendments
- Section 9.5. Severability Clause
- Section 9.6. Repealer

#### **Section 9.1. FEES ESTABLISHED.**

The City Council shall, from time to time, establish fees, by resolution, for review of subdivision plats. Each preliminary plat submitted for approval shall be accompanied by a fee. No fees shall be charged for public land plats submitted by any governmental entity or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon.

#### **Section 9.2. VARIANCES.**

Where in the case of a particular proposed subdivision, it can be shown that strict application of the requirements of this ordinance would result in substantial hardships or injustices to the subdivider due to unusual typography or other conditions, the City Council may modify or grant variances on such requirements to the extent that the subdivider is allowed to develop the property in a reasonable manner. However, such variance, modification or waiver shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare, and will not have the effect of nullifying the intent and purpose of this ordinance. In granting any variance, the City Council may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. In no case shall any variance or modification be more than the minimum easing of the requirements and in no instance shall be in conflict with any zoning ordinance. It is further provided that any variance and waivers may be granted only by the affirmative vote of seventy five percent (75%) of the members of the City Council. A public hearing will be required by the City Council prior to granting a variance.

#### **Section 9.3. ENFORCEMENT AND PENALTIES.**

The City Clerk or Zoning Administrator shall not issue zoning permits for any structure located on a lot in any subdivision, the plat of which was prepared after the adoption of this ordinance, which has not been approved in accordance with the provisions contained herein. It shall be unlawful for the owner, or the owner's agent, who knowingly or with intent to defraud, transfer, dispose or sell or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than \$100 per day and not more than \$500.00 per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the Zoning

Administrator or City Clerk may bring action to enjoin such erection or cause it to be vacated or removed.

**Section 9.4. CHANGES AND AMENDMENTS.**

Any regulations or provisions of this ordinance may be changed and/or amended from time to time by the City Council; provided that such changes or amendments shall not become effective until the Council has received a recommendation from the Planning and Zoning Commission and a public hearing is held. Within thirty (30) days of a recommendation from the Commission, the City shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

**Section 9.5. SEVERABILITY CLAUSE.**

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared by the courts to be invalid or unconstitutional for any reason whatsoever, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the parts so declared to be invalid or unconstitutional.

**Section 9.6. REPEALER.**

Effective on the effective date of this ordinance, the previous subdivision regulations and amendments thereto contained within Chapter 7 of Title VI of the Code of Ordinance or Rock Rapids, Iowa are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

## ARTICLE X Effective Date

### Section 10.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.  
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

## Adoption

### SUBDIVISION REGULATIONS ORDINANCE OF ROCK RAPIDS, IOWA

Passed and approved the first consideration on April 28, 2014

Passed and approved the second consideration on April 28, 2014

Passed and approved the third and final consideration on April 28, 2014

Adopted on April 28, 2014

Published on May 7, 2014

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Mayor, City of Rock Rapids

ATTEST:

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Rock Rapids City Clerk/Administrator

**EDITOR'S NOTE**

The following ordinances have been adopted amending the official Rock Rapids Subdivision Regulations Ordinance and have not been included as a part of this ordinance but are specifically saved from repeal and are in full force and effect.

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED